

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-12206
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPTEMBER 7, 2006 THOMAS K. KAHN CLERK
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D. C. Docket No. 01-01862-CV-HS-NW

KAY STONE,

Plaintiff-Appellant,

versus

HEALTH CARE AUTHORITY OF THE
CITY OF HUNTSVILLE, THE,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama

(September 7, 2006)

Before ANDERSON, BIRCH and DUBINA, Circuit Judges.

PER CURIAM:

This is the second time we have considered an appeal of this case. In the first appeal, we vacated the district court's order granting summary judgment in favor of the Health Care Authority of the City of Huntsville ("Huntsville Hospital") for failure to make findings of fact and conclusions of law and remanded the case for further proceedings consistent with our opinion. *See Stone v. The Health Care Authority of the City of Huntsville*, No. 03-10829 (11th Cir. Oct. 10, 2003). On remand, the district court once again granted summary judgment in favor of Huntsville Hospital and complied with our mandate by making detailed findings of fact and conclusions of law.

Appellant Kay Stone ("Stone") commenced this action by filing a complaint alleging separate and individual violations of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101-12213, as amended, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. We review a district court's grant of summary judgment *de novo*. *Wilson v. B/E Aerospace, Inc.*, 376 F.3d 1079, 1085 (11th Cir. 2004).

After reviewing the record and reading the parties' briefs, we conclude that Stone failed to produce sufficient evidence that Huntsville Hospital discriminated against her because of her disability sufficient to overcome summary judgment. In fact, the record demonstrates that the reason for Stone's termination was her threat

made against her supervisor.¹ Moreover, the undisputed record of evidence demonstrates that no reasonable accommodations were denied to Stone and Huntsville Hospital did not retaliate against her.

For the above-stated reasons, we affirm the district court's order granting summary judgment in favor of Huntsville Hospital on Stone's discrimination, retaliation, and failure to accommodate claims.

AFFIRMED.

¹The record also demonstrates that Huntsville Hospital terminated an African-American employee earlier the same week it terminated Stone for making similar threats in the workplace.